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10/007,509	12/05/2001	Nelson Douglas Pitlor	PITLP101USA	2338

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EXAMINER
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BAXTER, GWENDOLYN WRENN

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/007,509

Applicant(s)

PITLOR NELSON

Examiner

Gwendolyn Baxter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-91 is/are pending in the application.
- 4a) Of the above claim(s) 28,29,38-66,77-80 and 90 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 86 and 87 is/are allowed.
- 6) ☒ Claim(s) 1-5,10,12,19-26,30-37,67,81-85,88,89 and 91 is/are rejected.
- 7) ☒ Claim(s) 6-9,11,13-18,27 and 68-76 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 468.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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This is the second office action for serial number 09/007,509, Remotely Attachable and Separable Coupling, filed on December 5, 2001.

***Election/Restriction***

Applicant has elected species 9 drawn to figures 17-21. Claims 1-27, 30-37, 67-76 and 81-91 are readable on the elected species.

***Priority***

Acknowledgment is made of a claim for domestic priority under 35 USC 120 and/or 121.

***Information Disclosure Statement***

The information disclosure statements filed July 8, 2002 and November 8, 2002 has been placed in the application file, and the information referred to therein has been considered.

***Claim Rejections - 35 USC § 112***

Claims 3-10, 12, 19-21, 36, 83-85, 88 and 89 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, line 3, "the event" lacks proper antecedent basis. A similar problem occurs in claim 4.

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In claim 8, line 2, the pronoun “its” should be replaced with the proper noun to avoid any ambiguity, thus distinctly claiming and particularly pointing out the subject matter. A similar problem occurs in claim 36.

In claim 12, line 3, “the application” lacks proper antecedent basis.

In claim 19, line 2, “the same” lacks proper antecedent basis.

In claim 83, line 2, “low” should read --lowering--.

In claim 84, lines 1 and 2, “a tool” should read --the tool-- and “a first holding mechanism” should read --the first holding mechanism--.

In claim 85, lines 1 and 2, “a force” should read --the force-- and “a second holding mechanism” should read --the second holding mechanism. A similar problem occurs in claim 88, line 3.

In claim 89, lines 6 and 7, “a positionable subassembly” should read --the positionable subassembly--.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,422,137 to Watts, hereinafter Watts. The present invention reads on Watts as follows: Watts discloses a base (18), a rod attachment (28, 30, 34), and a coupling means (22). The rod attachment means is integrally formed within the base. The coupling means extends from the base at an angle to the rod attachment means. The base is a tee base. The rod attachment means is a threaded receptacle. The rod attachment means further includes a locking screw (30).

Claim 30-32, 37, 67, 81-84, 89 and 91 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,478,256 to Koganemaru, hereinafter Koganemaru. The present invention reads on Koganemaru as follows: Koganemaru discloses fixture mounting system comprising a first fixed part (1), a second part (4), a tool or first-fourth electrical terminals (7, 8, 9 and 17, 18 and 19) and a latch or retainer (3). The fixed part has a retention mechanism (6). The second part is movable with respect to the first part and attachable with respect thereto. The tool is used for temporarily coupling with respect to the second part to position the second part with respect to and for retention to the first part creating a bayonet fitting. The latch is used to retain the tool and second part together. The latch is releasable upon positioning of the second part with respect to the first part. A release mechanism is used to release the retainer or latch to facilitate separating the tool and the one member in response to mounting one member with respect to the other member.

Regarding claim 67, Koganemaru teaches a base (1), a mounting member (4), a multi-retention mechanism (7, 8, 9 and 17, 18 and 19), at least one mechanical attachment (3) and a

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second attachment (6). The base is attachable to a support. The mounting member is selectively attachable to the base and removable from the base. The multi-retention mechanism holds the base and the mounting member together. The mechanical attachment is selectively operable to release and hold and operates using a positive lock. The second attachment is selectively operable to release and hold and operates responsive to a positional relationship. The method is inherent to the recited structural limitations set forth in Koganemaru.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 26, and 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,836,766 to Auerbach. Figure 12 of one embodiment of Auerbach teaches a base (103g), a cover (14g), and a magnetic device (103). The base is mountable securely to a support (18). The cover is attachable to the base. The magnetic device is used to hold the cover and base together. The magnetic device comprises a magnet and ferrous plate. The magnet is mounted to the base or the cover, and the ferrous plate. The magnet being mounted to the base or the cover, and the ferrous plate being mounted to the opposing member. However, this embodiment fails to provide a selectively operable mechanical retainer. Figure 11 of Auerbach

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teaches the use of a selectively operable mechanical retainer (124, 120) to provide retention of the cover to the base. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the embodiment depicted by Figure 12 to have incorporated the mechanical retainer as illustrated in Figure 11 for the purpose of providing a secondary device further stabilizing the light fixture to the ceiling when using a magnet with a low magnetic field.

#### ***Allowable Subject Matter***

Claims 6-9, 11, 13-18, 27, and 68-76 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 10, 12, 19-21, 85 and 88 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 86 and 87 are allowed.

#### ***Conclusion***

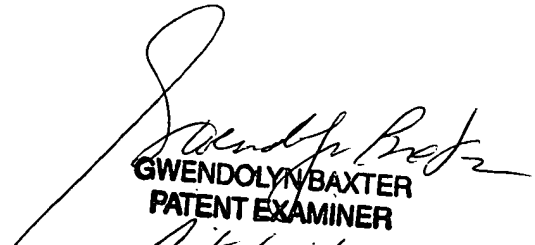
The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Stocker 6,048,010 and Rose 5,938,255 teaches a tool for facilitating the installation of a device.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is (703) 308-0702. The examiner can normally be reached Monday-Friday from 8:30 A.M. to 5:00 P.M. Eastern Time Zone.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113. The fax phone number for this Group is (703) 305-3597.

GB  
September 30, 2003

  
GWENDOLYN BAXTER  
PATENT EXAMINER  
Art Unit 3632